

**REMARKS**

The Office Action dated October 15, 2004 has been reviewed. Applicant respectfully thanks the Examiner for allowing claims 8-18. Applicant has amended claim 1. Claims 1-18 are pending.

Claims 1-7 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,644,072 to Chirco et al. ("Chirco"). Applicant respectfully traverses the rejection under 35 U.S.C. § 102(b). Applicant has amended claim 1 to particularly point out and distinctly claim Applicant's invention.

Claim 1 recites a diagnostic apparatus for a fuel system that supplies fuel to an internal combustion engine. The fuel system includes a fuel tank, a filler occluded by a removable cap, a charcoal canister, and an integrated pressure management apparatus. The integrated pressure management apparatus includes a pressure operable device and a switch signaling displacement of the pressure operable device in response to negative pressure at a first pressure level in the charcoal canister. The diagnostic apparatus includes a pressure source to operate the pressure operable device and switch, a first fitting adapted to be occluded by the removable cap, and a second fitting adapted to sealingly engage the filler. Support for these features is provided at, for example, paragraphs 0024-0026 and Figs. 1-2, of Applicant's specification as originally filed.

Chirco is merely directed to a portable emissions test apparatus 30 for testing vapor emitting leaks in a fuel holding system. As described at col. 8, ll. 23-64, and shown in Figs. 1, 2 and 11, of Chirco, test apparatus 30 is operated in the following manner. Pressure regulator 96 is set to a desired test pressure. Pressure source 94 is then connected to tester 32, and tester 32 is connected to the fuel holding system 200 by adapter 34. As shutoff valve 98 is opened, pressure source 94 communicates a volume of air or gas through tester 32 into the fuel holding system 200. This pressurizes the atmosphere within fuel holding system 200 to the desired test pressure. Once the pressure is stable, shutoff valve 98 is closed and timer 106 is actuated. After expiration of a predetermined amount of time, timer 106 actuates display signal generator 108 which determines through use of pressure sensor 100 whether the pressure of the atmosphere within fuel holding system 200 is at or above an acceptable second predetermined pressure. Display signal generator 108 then displays a signal through display 110 showing whether the fuel holding

system 200 has passed the test. Once the test is complete and the pressure within vehicle fuel holding system 200 is no longer needed, discharge valve 104 is placed in the open position to relieve the pressure after the pressure source shutoff valve is placed in the off position.

However, Applicant respectfully submits that Chirco does not teach or suggest at least the features of a pressure source to operate a pressure operable device and a switch signaling displacement of the pressure operable device in response to negative pressure at a first pressure level in a charcoal canister, as recited in claim 1. Accordingly, claim 1 is patentable.

Claims 2-7 depend from claim 1, and recite the same combination of allowable features recited in claim 1, as well as additional features that define over the prior art. At least for the above-described reasons, Applicant respectfully requests that the rejection under 35 U.S.C. § 102(b), of claims 1-7, be withdrawn, and the claims allowed.

**CONCLUSION**

In view of the foregoing, Applicant respectfully requests reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

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By: \_\_\_\_\_



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